

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

**DOUGLAS B. STALLEY, on behalf of
the United States of America**

PLAINTIFF

V.

NO. 2:06CV00234 JMM

**BAPTIST MEMORIAL HEALTH CARE
CORPORATION, a Tennessee Corporation**

DEFENDANT

ORDER

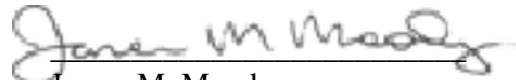
Pending are Defendant's motions to lift stay and to dismiss the case, docket # 22 and to dismiss, docket # 3. For good cause shown, the motions are GRANTED.

On December 15, 2006 the Defendant filed a motion to dismiss this case raising issues relative to Plaintiff's standing to assert claims against the Defendant under the Medicare Secondary Payer Act, 42 U.S.C. §1395y(b). Following receipt of Plaintiff's response, the Court entered an order staying this case pending a decision by the Eighth Circuit Court of Appeals in regard to the appeals in two similar cases styled, *Douglas B. Stalley v. Catholic Health Initiatives, et. al*, docket # 4:06CV00629-GH and *Douglas B. Stalley v. Triad Hospitals, Inc.*, docket # 3:06CV0093-WRW.

On November 27, 2007 the Eighth Circuit Court of Appeals issued a decision in these cases affirming the dismissal of the Plaintiff's Complaints on the ground that the Plaintiff lacked standing to pursue an action under the Medicare Secondary Payer Act against the defendant health care providers named therein. On January 11, 2008, the Eighth Circuit Court of Appeals issued its mandate in these cases.

Based upon the decision of the Eighth Circuit Court of Appeals, this Court finds that Defendant's motions to lift the stay and dismiss the case should be granted. (Docket #'s 22 and 3). Plaintiff's complaint is hereby dismissed. The Clerk is directed to close the case.

IT IS SO ORDERED this 17th day of January, 2008.

A handwritten signature in cursive script, appearing to read "James M. Moody", written in dark ink.

James M. Moody
United States District Judge